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Attorney for Plaintiff

UNITED STATES DISTRICT COURT

DISTRICT OF NEVADA

MACK MILLER, an individual;

Plaintiff,

VS.

CLARK COUNTY, NEVADA, a political subdivision; DOE CLARK COUNTY OFFICERS, in their personal capacities; DOE PRIVATE SECURITY GUARDS, in their personal capacities; PREVENTIVE MEASURES SECURITY FIRM, LLC, a domestic limited liability company; MARCO SOLORIO, individually; LEONARD MORRIS, individually; ROE PRIVATE SECURITY COMPANY; DOES 1 through 20; ROE BUSINESS ENTITIES 1 through 20, inclusive jointly and severally,

Defendants.

CLARK COUNTY, a Political Subdivision of
State of Nevada,

Cross-claimant,

vs.

PREVENTIVE MEASURES SECURITY
FIRM, LLC, a domestic limited liability
company.

Cross-defendant

CASE NO. 2:23-cv-00070-CDS-DJA

**STIPULATION AND ORDER TO
EXTEND DISCOVERY DEADLINES**

(Third Request)

1 IT IS HEREBY STIPULATED AND AGREED by and between the parties hereto, by and
2 through their respective counsel that the discovery deadlines shall be extended in this matter.

3 **I. DISCOVERY COMPLETED TO DATE¹**

4 The parties have participated in the following discovery to date:

- 5 1. Plaintiff's FRCP 26(a)(1) Initial disclosures;
- 6 2. Plaintiff's FRCP 26(a)(1) First Supplemental disclosures;
- 7 3. Plaintiff's FRCP 26(a)(1) Second Supplemental disclosures;
- 8 4. Plaintiff's FRCP 26(a)(1) Third Supplemental disclosures;
- 9 5. Plaintiff's FRCP 26(a)(1) Fourth Supplemental disclosures;
- 10 6. Plaintiff's FRCP 26(a)(1) Fifth Supplemental disclosures;
- 11 7. Plaintiff's FRCP 26(a)(1) Sixth Supplemental disclosures;
- 12 8. Plaintiff's FRCP 26(a)(1) Seventh Supplemental disclosures;
- 13 9. Plaintiff's FRCP 26(a)(1) Eighth Supplemental disclosures;
- 14 10. Defendant Clark County's FRCP 26(a)(1) Initial disclosures;
- 15 11. Defendant Clark County's FRCP 26(a)(1) First Supplemental disclosures;
- 16 12. Defendant Clark County's FRCP 26(a)(1) Second Supplemental disclosures;
- 17 13. Defendant Clark County's FRCP 26(a)(1) Third Supplemental disclosures;
- 18 14. Defendant Preventive Measures' FRCP 26(a)(1) Initial disclosures;
- 19 15. Defendant Preventive Measures' FRCP 26(a)(1) First Supplemental disclosures;
- 20 16. Defendant Preventive Measures' FRCP 26(a)(1) Second Supplemental disclosures;
- 21 17. Defendant Preventive Measures' FRCP 26(a)(1) Third Supplemental disclosures;
- 22 18. Defendant Clark County's First Set of Requests for Admissions to Preventive
Measures;
- 23 19. Defendant Clark County's First Set of Requests for Production of Documents to
Preventive Measures;
- 24 20. Defendant Clark County's First Set of Interrogatories to Preventive Measures;

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¹ The numbered paragraphs in bold indicate the discovery that has been completed since the last requested extension.

1 21. Defendant Preventive Measures' Response to Defendant Clark County's First Set
2 of Requests for Admissions;

3 22. Defendant Preventive Measures' Response to Defendant Clark County's First Set
4 of Requests for Production of Documents;

5 23. Defendant Preventive Measures' Response to Defendant Clark County's First Set
6 of Interrogatories;

7 24. Defendant Clark County's First Set of Interrogatories to Plaintiff;

8 25. Defendant Clark County's First Set of Requests for Admissions to Plaintiff;

9 26. Defendant Clark County's First Set of Requests for Production of Documents to
10 Plaintiff;

11 27. Plaintiff's Responses to Defendant Clark County's First Set of Requests for
12 Admissions;

13 28. Plaintiff's Responses to Defendant Clark County's First Set of Requests for
14 Production of Documents;

15 29. Plaintiff's Responses to Defendant Clark County's First Set of Interrogatories;

16 30. Defendant Preventive Measures' First Set of Interrogatories to Plaintiff;

17 31. Defendant Preventive Measures' First Set of Requests for Admissions to Plaintiff;

18 32. Defendant Preventive Measures' First Set of Requests for Production of Documents
19 to Plaintiff;

20 33. Plaintiff's Responses to Defendant Preventive Measures First Set of Requests for
21 Admissions;

22 34. Plaintiff's Responses to Defendant Preventive Measures First Set of Requests for
23 Production of Documents;

24 35. Plaintiff's Responses to Defendant Preventive Measures First Set of
25 Interrogatories;

26 36. Plaintiff's First Set of Interrogatories to Defendant Preventive Measures;

27 37. Plaintiff's First Set of Requests for Admissions to Defendant Preventive Measures;

28 38. Plaintiff's First Set of Requests for Production to Defendant Preventive Measures;

1 39. Plaintiff's First Set of Interrogatories to Defendant Clark County;
2 40. Plaintiff's First Set of Requests for Admissions to Defendant Clark County;
3 41. Plaintiff's First Set of Requests for Production to Defendant Clark County;
4 42. Defendant Preventive Measures' Responses to Plaintiff's First Set of Requests for
5 Admissions to Defendant Preventive Measures;

6 43. Defendant Clark County's Responses to Plaintiff's First Set of Interrogatories to
7 Defendant Clark County;

8 44. Defendant Clark County's Responses to Plaintiff's First Set of Requests for
9 Admissions to Defendant Clark County;

10 45. Defendant Clark County's Responses to Plaintiff's First Set of Requests for
11 Production to Defendant Clark County;

12 46. Defendant Preventive Measures' Responses to Plaintiff's First Set of
13 Interrogatories and Request for Production;

14 47. **Deposition of Plaintiff (completed February 21, 2024);**

15 48. **Deposition of Kate Murray (completed February 15, 2024);**

16 49. **Deposition of Brian Cooperman (completed February 15, 2024);**

17 50. **Deposition of Elando Johnson (completed February 15, 2024);**

18 51. **Plaintiff's FRCP 26(a)(1) Ninth Supplemental disclosures;**

19 52. **Defendant Clark County's FRCP 26(a)(1) Fourth Supplemental disclosures;**

20 53. **Defendant Clark County's FRCP 26(a)(1) Fifth Supplemental disclosures;**

21 54. **Defendant Clark County's FRCP 26(a)(1) Sixth Supplemental disclosures;**

22 55. **Defendant Preventive Measures' FRCP 26(a)(1) Fourth Supplemental
23 disclosures; and**

24 56. **Defendant Preventive Measures' FRCP 26(a)(1) Fifth Supplemental
25 disclosures.**

26 **II. DISCOVERY REMAINING TO BE COMPLETED**

27 1. Deposition of Defendant Marco Solorio;
28 2. Deposition of Defendant Leonard Morris;

1 3. Deposition of Chief James Rogers (currently noticed for May 9, 2024);
 2 4. Deposition of Defendant Clark County's FRCP 30(b)(6) designee(s);
 3 5. Deposition of David Sutton/FRCP 30(b)(6) designee(s) for Defendant Preventive
 4 Measures;
 5 6. Depositions of other fact witnesses present at the County Commission meeting
 6 during the subject incident;
 7 7. Supplemental FRCP 26 disclosures;
 8 8. Expert disclosures;
 9 9. Deposition of parties' treating physicians and/or experts; and
 10 10. Any additional discovery that is necessary as the parties proceed through discovery.

11 **III. REASONS WHY DISCOVERY NOT COMPLETED WITHIN TIME SET BY DISCOVERY PLAN**

12 A motion to extend deadlines articulated in the court's scheduling order must be supported
 13 by a showing of good cause. *See Local Rule 26-3; see also Johnson v. Mammoth Recreations, Inc.*,
 14 975 F.2d 604, 608-09 (9th Cir. 1992). Good cause to extend a deadline exists if it cannot reasonably
 15 be met despite the diligence of the party seeking extension. *Johnson*, 975 F.2d at 609. In the instant
 16 matter, all parties have diligently attempted to comply with the Court's scheduling order –
 17 however, the parties have determined they will be unable to obtain unable to obtain and produce
 18 key evidence related to the incident and alleged damages, which then deprives the parties and their
 19 respective experts of access to all evidence to formulate their opinions, complete their evaluations
 20 and prepare their reports accordingly, as well as impairs counsels ability to reach a proper
 21 determination as to further discovery needed.

22 On January 29, 2024, the parties entered a stipulation to extend the discovery deadlines in
 23 this case primarily based on the recent addition of two defendants, Marco Solorio and Leonard
 24 Morris (i.e., the former Preventive Measures security that physically escorted Mr. Miller from the
 25 Clark County Government Center), and to accommodate the depositions of Plaintiff Mack Miller
 26 (who has been confined Southern Desert Correctional Center since July 2023) and the former and
 27 current employees of Defendant Clark County and Preventive Measures. Since the parties entered
 28 that stipulation: (1) Defendants Marco Solorio and Leonard Morris have answered Plaintiff's

1 amended complaint; (2) Mr. Miller has been deposed; (3) Clark County employees Kate Murray,
2 Brian Cooperman, and Elando Johnson have been deposed; (4) the depositions of James Rogers
3 and the FRCP 30(b)(6) designee of Clark County has been coordinated; and (5) the parties have
4 served several supplemental disclosures, identifying additional witnesses and documents.

5 However, the parties have not been able to secure the depositions of Defendants Marco
6 Solorio and Leonard Morris. Plaintiff counsel has tried to set the depositions of Defendants Solorio
7 and Morris since the end of 2023 – to no avail. Defendants Solorio and Morris are currently
8 represented by Russell Christian, Esq. Mr. Christian has diligently attempted to obtain the
9 deposition availability of Defendants Solorio and Morris; however, he has not been able to
10 successfully secure the deposition availability of Defendants Solorio and Morris. Nevertheless,
11 these particular depositions will be critical to the claims and defenses in the instant action and will
12 have a direct impact on the opinions of the parties' retained experts.² Further, Defendant
13 Preventive Measures needs additional time to complete written discovery that was served in the
14 fall of 2023. Accordingly, the parties respectfully request that the discovery deadlines in this matter
15 be extended by an additional sixty (60) days. requested extension will ensure all parties have a full
16 and fair opportunity to litigate the claims and defenses on the merits. Therefore, and as set forth
17 below, due diligence and good cause can be shown to allow the Court, in its discretion, to extend
18 the remaining deadlines as requested.

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² Plaintiff has retained Mark Meredith, a police practices and premises security expert in the instant matter.

1 **IV. PROPOSED SCHEDULE FOR COMPLETING DISCOVERY**

2 Based on the foregoing, the proposed schedule for completing discovery is as follows:

3 Discovery Deadline	4 Current Deadline	5 Proposed Deadline
6 Motion to Amend/Add Parties	7 No extension	8 No extension
9 Initial Expert Disclosures	10 05.13.2024	11 07.12.2024
12 All Rebuttal Expert Disclosures	13 06.10.2024	14 08.12.2024
15 Discovery Cut-Off Date	16 07.10.2024	17 09.10.2024
18 Dispositive Motions	19 08.12.2024	20 10.10.2024

21 Dated this ____ day of May, 2024.

22 **RICHARD HARRIS LAW FIRM**

23 /s/ Jonathan B. Lee

24 Jonathan B. Lee, Esq.
25 Nevada Bar Number 13524
26 801 South Fourth Street
27 Las Vegas, Nevada 89101
28 *Attorneys for Plaintiff*

29 Dated this ____ day of May, 2024.

30 **CLARK COUNTY DISTRICT ATTORNEY**

31 /s/

32 Joel K. Browning, Esq.
33 Nevada Bar No. 14489
34 500 South Grand Central Parkway, Suite 5075
35 Las Vegas, Nevada 89155
36 *Attorneys for Defendant, Clark County*

37 Dated this ____ day of April, 2024.

38 **TYSON & MENDES**

39 /s/

40 Russell D. Christian, Esq.
41 Nevada Bar No. 11785
42 2835 St. Rose Parkway, Suite 140
43 Henderson, Nevada 89052
44 *Attorneys for Defendant,*
45 *Preventive Measures Security Firm,*
46 *LLC*

47 **ORDER**

48 IT IS SO ORDERED.

49 Dated: May 6, 2024.



50 DANIEL J. ALBREGTS
51 UNITED STATES MAGISTRATE JUDGE

